

## **REMARKS**

### **I. General**

Claims 1 – 37 are presently pending in the application. Claims 4, 16, and 28 are allowed. The issues in the current Office Action are as follows:

- Claims 1 – 3, 5, 7 – 9, 11 – 15, 17, 19 – 21, 23 – 27, 29, 31 – 33 and 35 – 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,763,333 to Jones et al. (hereinafter “Jones”) in view of U.S. Patent Publication No. 2003/0074270 to Brown et al. (hereinafter “Brown”).
- Claims 6, 10, 18, 22, 30 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones and Brown as applied to claims 1, 5, 13, 17, 25 and 29 above, and further in view of U.S. Patent No. 6,493,695 to Pickering et al. (hereinafter “Pickering”).

Applicants note with appreciation the allowance of claims 4, 16 and 28. Applicants respectfully traverse the other rejections and request reconsideration and allowance in light of the remarks and amendments contained herein.

### **II. Claim Amendments**

Applicants have amended claims 1 and 13 and 25. Support for these amendments may be found, at least, at page 4, lines 11 – 15 and page 7, lines 3 – 9. Claims 4, 28 and 37 have been amended for clarity. Accordingly, Applicants have not introduced new matter by these amendments.

### **III. Claim Rejections**

#### **A. 35 U.S.C. § 103(a) Rejection over Jones in view of Brown**

The Office Action rejects claims 1 – 3, 5, 7 – 9, 11 – 15, 17, 19 – 21, 23 – 27, 29, 31 – 33 and 35 – 37, under 35 U.S.C. § 103(a), as being unpatentable over Jones in view of Brown. The differences between claims and the applied art is one of the factors to be

considered in determining obviousness. *See Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 15 - 17 (1966). The current claims are not obvious in view of the applied art references, at least, because of the differences between the applied art references and the claims. The rejected claims, in view of the art, are discussed below.

**1. Independent claims 1, 13 and 25**

Claim 1 requires “routing the aged customer communication with an escalation service to an immediate workflow . . . presenting the aged customer communication to the first designated agent . . . .” Similarly, claim 13 requires “means for routing the aged customer communication . . . means for presenting the aged customer communication to the first designated agent . . . .” Claim 25 recites, “the escalation service routes the aged customer communication to an immediate workflow; and . . . the aged customer communication is displayed on a desktop of a first designated agent . . . .”

Examiner relies on a notification sent to management in Jones as teaching the routing and presenting of an aged communication to a designated agent as required in the claims. Office Action, page 3; Jones col. 11, lines 39 – 50. Jones, however, does not route and present the notification (the asserted aged customer communication) to a designated agent as the claims require. Instead, Jones presents the notification to management. Jones’ management does not meet the requirement for a designated agent. The claims require that designated agents send responses to customers. Jones does not teach management sends responses to customers. As such, Jones does not teach the limitations of claim 1 requiring “routing [and] presenting the aged customer communication to the first designated agent . . . .” Likewise, Jones does not teach the similar limitations of claims 13 and 25.

Brown also does not teach the limitations of the claims at issue. Brown is directed to managing and communicating information regarding an order of goods. Brown discloses assigning orders for goods to individuals who fill those orders. Abstract. These individuals are not assigned to send a response to a customer as the designated agent of the claims require. As such, Brown does not teach the limitations of claim 1 requiring “routing [and] presenting the aged customer communication to the first designated agent,” or the similar limitations of claims 13 and 25.

Examiner asserts Brown paragraph 16 teaches that the first designated agent answers the aged customer. Office Action, page 3. Paragraph 16, however, teaches recording, in a data field, corrective action for the lack of progress of an order. Applicants do not believe this portion of Brown meets the limitation requiring the first designated agent answers the aged customer communication. Nonetheless, to facilitate the expeditious prosecution of this application, Applicants have amended claims 1, 13 and 25. Claims 1 and 13 now require the sending of a response to a customer under the direction of the first designated agent. Claim 25 requires the first designated agent provides an immediate response. Recording data in a data field is clearly not sending a response or providing a response to the customer.

Applicants submit, therefore, that it is clear that the combination of Jones and Brown does not teach the limitation of claims 1 and 13 requiring “sending, under the direction of said first designated agent, a response to a customer associated with the aged customer communication . . . .” Similarly, Jones and Brown do not teach “the first designated agent provides an immediate response to a customer associated with the aged customer communication . . . .” In sum, the combination of Jones and Brown does not teach all the limitations of claims 1, 13 and 25. Accordingly Applicants respectfully request that Examiner withdraw the rejection, under 35 U.S.C. § 103(a), of claims 1, 13 and 25.

**2. Dependent claims 2 – 3, 5, 7 – 9, 11, 12, 14, 15, 17, 19-21, 23, 24, 26, 27, 29, 31 – 33**

Claims 2 – 3, 5, 7 – 9, 11 and 12 depend from claim 1. Claims 14, 15, 17, 19 – 21, 23, 24 depend from claim 13. Claims 26, 27, 29, and 31 – 33 depend from claim 25. The dependent claims inherit the limitations of their respective base claims. As discussed above, claims 1, 13 and 25 are patentable over the applied art references. Consequently, claims 2 – 3, 5, 7 – 9, 11, 12, 14, 15, 17, 19 – 21, 23, 24, 26, 27, 29, 31 – 33 are patentable over the applied art references. Accordingly Applicants respectfully request that Examiner withdraw the rejection, under 35 U.S.C. § 103(a), of claims 2 – 3, 5, 7 – 9, 11, 12, 14, 15, 17, 19 – 21, 23, 24, 26, 27, 29, 31 – 33.

**B. 35 U.S.C. § 103(a) Rejection over Jones and Brown, and further in view of Pickering**

Examiner rejects claims 6, 10, 18, 22, 30 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Jones and Brown and further in view of Pickering. Claims 6 and 10 depend from claim 1 and inherit the limitations of claim 1. Claims 18 and 22 depend from claim 13 and inherit the limitations of claim 13. Claims 30 and 34 depend from claim 25 and inherit the limitations of claim 25. As discussed above, claims 1, 13 and 25 are patentable over the applied art. Therefore, claims 6, 10, 18, 22, 30 and 34 are patentable over the applied art. Moreover, the dependent claims themselves recite limitations not taught by the applied art references.

For example, claims 6, 18 and 30 recite, “sending an acknowledgment message when the first and second designated agents are unavailable.” Examiner concedes that Jones and Brown do not teach this limitation of the claims. Consequently, Examiner cites to Pickering, col. 9, lines 60 – 63 as teaching this limitation. The cited portion of Pickering, however, merely teaches routing of generic data based on availability and the routing of incoming interactions to an outbound agent of a call center. Routing an incoming interaction to an agent of the call center does not meet the claim limitation requiring sending an acknowledgement message. Examiner does not rely on Jones as teaching this limitation of claims 6, 18 and 30 and Applicants’ review of this art does not reveal that it teaches this limitation. Thus, Examiner has not shown that the applied art teaches, “sending an acknowledgment message when the first and second designated agents are unavailable.”

Claim 10 recites, “changing the set of predetermined escalation criteria during the responding step.” Claim 22 recites, “means for changing the set of predetermined escalation criteria when the means for responding are activated.” Claim 34 recites, “means for changing the set of predetermined escalation criteria while the first designated agent responds to the aged customer communication.” Examiner cites Pickering col. 9, lines 60 – 63 as teaching these limitations. This portion of Pickering teaches “The rule-engine may also include rules governing escalating calls, and the routing module may provide a customizable escalation path for such interactions.” This teaching that the rule-engine may include rules governing escalating calls and the routing module may provide a customizable escalation path is

insufficient to teach that the changing of predetermined escalation criteria during the responding step as required by claim 10. Similarly, the cited portion of Pickering does not teach the limitations of claims 22 and 34.

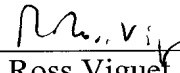
In sum, Examiner has not shown the combination of Jones, Pickering and Brown teach all the limitations of claims 6, 10, 18, 22, 30 and 34. Accordingly Applicants respectfully request that Examiner withdraw the rejection under 35 U.S.C. § 103(a) of claims 6, 10, 18, 22, 30 and 34.

#### **IV. Conclusion**

In view of the above, Applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 47524/P152CP1/10613139 from which the undersigned is authorized to draw.

Dated: August 28, 2008

Respectfully submitted,

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